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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/664,226

Applicant(s)

LI ET AL.

Examiner

Ella Colbert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>14 & 15</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-52 are pending in this communication filed 03/22/04 entered as Amendment A, paper no. 11.
2. The Power of Attorney filed 04/07/04 has been entered as paper no. 12.
3. The Change of Address filed 04/12/04 has been entered as paper no. 13.
4. The IDS filed 04/12/04 has been entered as paper no. 14 and the IDS filed 05/18/04 has been entered as paper no. 15.
5. The 35 USC 101 Rejection of claims 27-52 is hereby withdrawn in view of the new ground(s) of rejection here below.
6. The 35 USC 112 Second Paragraph Rejection is hereby withdrawn in view of the new ground(s) of rejection here below.
7. As a Preliminary matter, Applicants' are respectfully requested to note the Examiner prosecuting this application has changed. All future correspondence should be directed to Examiner Colbert.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
9. Claims 1, 2, 4, 16, 17, 21-23, 27, 28, 30, 42, 43, and 49 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear from reading the Applicants' Specification what is meant by "public buyer constraints".

Art Unit: 3624

Claims 1 and 27 are unclear and confusing. Claims 1 and 27 read "receiving from each candidate supplier from a set of candidate suppliers, over said computer network, a bid responsive to said public buyer-constraints, said set of; and determining an optimal award schedule for at least partial satisfaction of said requisition utilizing a specified objective function, said optimal award schedule including a list of selected suppliers selected from said set of candidate suppliers". The metes and bounds of the claims are undeterminable. Applicants' are respectfully requested to clarify in the claim language what is really being claimed.

10. Claims 1 and 27 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants' regard as their invention. In particular,

A. Claim 1 is not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The preamble of the claim in claim 1 references a method, but the body of the claim discusses the specifics of a system for determining an optimal award schedule (ex. receiving from a buyer over a computer network and transmitting to a set of prospective suppliers over a computer network, and then subsequently the claim then deals with the specifics of a method (the steps ex. receiving from each candidate supplier from a set of candidate suppliers and determining an optimal award schedule for at least partial satisfaction of said requisition, and information indicative of the manner in which each of said suppliers is to at least partially satisfy) the requisition.

Art Unit: 3624

B. Claims 2-26 are rejected as being dependent on claim 1 as discussed above.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

35 USC 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added). Applicants' claims mentioned are intended to embrace or overlap two different statutory classes of invention as set forth in 35 USC 101. The claims begin by discussing a method (ex. preamble of claim 1), the body of the claim discusses the specifics of the system of an optimal award schedule, and subsequently the claim then deals with the specifics of a method (the steps) receiving from each candidate supplier from a set of candidate suppliers, determining an optimal award schedule, and information indicative of the manner in which each of said selected suppliers is to at least partially satisfy said requisition (see above rejection of claims under 35 USC 112, second paragraph, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 USC 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548).

Drawings

12. New corrected drawings are required in this application because the following figures have steps missing in the drawing figure: Figure 9, "Auction Center 108" is missing and "bid center 112" is not labeled in the drawing; Figure 13, "integrated message service 84 and "infrastructure layer 66" is missing from Fig. 13 drawing; Figure 15A and 15B do not show "Auction management software 18"; Figure 19, "bid center 112", "workflow engine 72", and "auction center 108" are not shown in Fig. 19; Figure 21, "analysis center 110" is not shown; Figure 22, "Optimization engine 76" is not shown; and Figure 30, "Optimization engine 76" is not shown. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate both "Provide RFQ to server" and "Generate RFQ"; reference character "32" has been used to designate both "Provide RFQ to Suppliers" and "Provide RFQ To Sellers"; and reference character "34" has been used to designate both "Suppliers Respond" and "Sellers Respond" in fig. 2; reference character "10 and 24" has been used to designate both "buyer and supplier" and in the drawing "buyer" is labeled as "10" and "supplier" is labeled as "22" in fig. 4; reference character "58" has been used to designate both "supplier workspaces" and "supplier workspace" and element "18" referenced in the Specification as "auction

Art Unit: 3624

management software is not found in fig. 4; reference character "116" has been used to designate both "requisition" and "Office Furniture", reference character "118" has been used to designate both "Categories" and "chairs", and reference character "120" has been used to designate both "computer and desk" in fig. 7. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In conclusion: Applicant's drawings are not in agreement with Applicant's Specification and appear to have steps omitted from the drawing figures.

Specification

13. The Specification is objected to because Figure 3 does not have elements 12, 14, 16, 20, 22, 26, 28, and 62 described in the Specification in the description of Fig. 3. Figure 4 elements 1, 14, 22, and 26 have a similar problem. Page 11, lines 8, 20, and 23 recite "Web browsers 16, 28 ... machines 10, 24". "The Web browsers 16, 28 ... machine 10, 24 ...". These lines would be better written "Web browsers 16 and 28 ... machines 10 and 24". "The Web browsers 16 and 28 ... machine 10 and 24 ...". Correction is required. See MPEP § 608.01(b).

Art Unit: 3624

In conclusion: Applicant's Specification and drawing figures are not in agreement. Applicant is respectfully requested to place the Specification and Drawing figures in agreement in response to this Office Action.

Claim Objections

14. Claim 1 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 27. When two claims in an application are duplicates or else are so close in content that they both cover the same thing despite a slight difference in wording (in this case, the preamble), it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP 706.03(k). This problem can be resolved by amending either the body of claim 1 or the body of claim 27 so they are not worded identical even though the preamble of claim 1 and claim 27 are worded different.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 1-3 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 6,647,373) Carlton-Foss.

As per Claim 1, Carlton-Foss teaches, A computer-implemented method for determining an optimal award schedule for at least partial satisfaction of a requisition, said method comprising: receiving from a buyer, over a computer network, public buyer-

Art Unit: 3624

constraints representative of said requisition (col. 2, lines 22-52 and figs. 2 and 3 (52)); transmitting to a set of prospective suppliers, over said computer network, said public buyer-constraints (col. 2, lines 44-52 and lines 63-65 and figs. 2 and 3 (52)); receiving from each candidate supplier from a set of candidate suppliers, over said computer network, a bid responsive to said public buyer-constraints, said set of candidate suppliers originating from said set of prospective suppliers (col. 2, lines 66-67 and col. 3, lines 1-6); and determining an optimal award schedule for at least partial satisfaction of said requisition utilizing a specified objective function, said optimal award schedule including a list of selected suppliers selected from said set of candidate suppliers and information indicative of the manner in which each of said selected suppliers is to at least partially satisfy said requisition and said objective function including non-price criteria (col. 1, lines 52-61, col. 5, lines 63-67 and col. 6, lines 1-6).

As per Claim 2, Carlton-Foss teaches, The method of claim 1, wherein receiving said public buyer constraints from said buyer comprises receiving a list of items to be supplied (col. 11, lines 61-67 and col. 12, lines 1-7).

As per Claim 3, Carlton-Foss teaches, The method of claim 2, wherein receiving said list of items comprises receiving a list in which at least one item in said list is a logical item that includes a list of items (col. 12, lines 8-30).

As per Claim 27, Carlton-Foss failed to teach, Computer-readable media having encoded thereon software to perform the steps of claim 27. Barzilai teaches, a Computer-readable media having encoded thereon software to perform the steps of claim 27 (col. 3, lines 54-60). It would have been obvious to one having ordinary skill in

Art Unit: 3624

the art at the time the invention was made to have a computer-readable media having encoded thereon software to perform the steps of claim 27 and to modify in Carlton-Foss because such a modification would allow Carlton-Foss to have nonvolatile storage of computer readable instructions. A computer-readable media is well known in the computer art for having computer-readable instructions stored on the nonvolatile memory.

This independent claim is rejected for the similar rationale as given above for claim 1.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

Art Unit: 3624

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

19. Claims 4-26 and 28-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,647,373) Carlton-Foss in view of (US 6,012,045) Barzilai et al, hereafter Barzilai.

As per Claim 4, Carlton-Foss failed to teach, The method of claim 1, wherein receiving said public buyer constraints comprises receiving a constraint selected from the group consisting of a maximum price said buyer is willing to pay for at least partial satisfaction of said requisition; and a non-price constraint required by said buyer for at least partial satisfaction of said requisition. Barzilai teaches, wherein receiving said public buyer constraints comprises receiving a constraint selected from the group consisting of a maximum price said buyer is willing to pay for at least partial satisfaction of said requisition; and a non-price constraint required by said buyer for at least partial satisfaction of said requisition (col. 6, lines 27-37, col. 9, lines 62-67, col. 10, lines 1-7, and col. 13, lines 16-26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the receiving said public buyer - constraints comprises receiving a constraint selected from the group consisting of a maximum price said buyer is willing to pay for at least partial satisfaction of said requisition; and a non-price constraint required by said buyer for at least partial

Art Unit: 3624

satisfaction of said requisition and to modify in Carlton-Foss because such a modification would allow Carlton-Foss to have a higher or lower charge on the credit card depending upon the value of the goods and services.

As per Claim 5, Carlton-Foss failed to teach, The method of claim 4, wherein said non-price constraint is selected from the group consisting of-a desired time for at least partial satisfaction of said requisition; a desired quality for at least partial satisfaction of said requisition; and a desired quantity for at least partial satisfaction of said requisition. Barzilai teaches, wherein said non-price constraint is selected from the group consisting of-a desired time for at least partial satisfaction of said requisition; a desired quality for at least partial satisfaction of said requisition; and a desired quantity for at least partial satisfaction of said requisition (col. 16, lines 29-67 and col. 17, lines 1-16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the non-price constraint selected from the group consisting of a desired time for at least partial satisfaction of said requisition; a desired quality for at least partial satisfaction of said requisition and a desired quantity for at least partial satisfaction of said requisition and to modify in Carlton-Foss because such a modification would allow Carlton-Foss to have a frequency analysis of the bidding price, the time of day, and the location of the members.

As per Claim 6, Carlton-Foss fails to teach, The method of claim 1, wherein receiving said bid comprises receiving a bid including a proposed price for at least partial satisfaction of said requisition. Barzilai teaches, wherein receiving said bid comprises receiving a bid including a proposed price for at least partial satisfaction of

said requisition (col. 17, lines 17-22 and lines 43-55). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the receiving said bid comprise receiving a bid including a proposed price for at least partial satisfaction of said requisition and to modify in Carlton-Foss because such a modification would allow Carlton-Foss to publish a bid chart showing the bid amount for all bids and the accepted bid amount for the merchandise.

As per Claim 7, Carlton-Foss failed to teach, The method of claim 1, wherein receiving said bid comprises receiving a bid including a proposed price having a volume discount dependent on an extent to which said requisition is to be at least partially satisfied. Barzilai teaches, wherein receiving said bid comprises receiving a bid including a proposed price having a volume discount dependent on an extent to which said requisition is to be at least partially satisfied (col. 17, lines 12-16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the receiving the bid comprise receiving the bid to include a proposed price having a volume discount dependent on an extent to which said requisition is to be at least partially satisfied and to modify in Carlton-Foss because such a modification would allow Carlton-Foss to have a bid, auction and sale system where the products and services are offered for sale and certain other information such as the manufacturer's suggested retail price, minimum opening price and bid cycle for the product.

As per Claim 8, Carlton-Foss failed to teach, The method of claim 1, wherein receiving said bid comprises receiving a bid including a fixed charge independent of an extent to which said requisition is to be at least partially satisfied. Barzilai teaches,

Art Unit: 3624

wherein receiving said bid comprises receiving a bid including a fixed charge independent of an extent to which said requisition is to be at least partially satisfied (col. 17, lines 46-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have said bid comprise receiving a bid including a fixed charge independent of an extent to which said requisition is to be at least partially satisfied and to modify in Carlton-Foss because such a modification would allow Carlton-Foss to have an electronic sale system and summary of the bid charges.

As per Claim 9, Carlton-Foss failed to teach, The method of claim 1, wherein receiving said bid comprises receiving a bundled bid offering to at least partially satisfy, for a bundled price, a requisition for a selection of items from said list of items. Barzilai teaches receiving said bid comprises receiving a bundled bid offering to at least partially satisfy, for a bundled price, a requisition for a selection of items from said list of items (col. 17, lines 56-67 and col. 18, lines 1-29). It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive a bundled bid offering to at least partially satisfy, for a bundled price, a requisition for a selection of items from said list of items and to modify in Carlton-Foss because such a modification would allow Carlton-Foss to establish a user friendly bid, auction and sale system so a member can access his or her account from a home page with the items being listed in chronological order according to the date the user placed the bid.

As per Claim 10, Carlton-Foss failed to teach, The method of claim 1, further comprising facilitating an exchange of messages between a buyer and a candidate supplier. Barzilai teaches, facilitating an exchange of messages between a buyer and a

Art Unit: 3624

candidate supplier (col. 18, lines 53-67 and col. 19, lines 1-3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to facilitate an exchange of messages between a buyer and a candidate supplier and to modify in Carlton-Foss because such a modification would allow Carlton-Foss to have a call system that is in the form of an e-mail or an electronic request from a user or customer.

As per Claim 11, Carlton-Foss failed to teach, The method of claim 10, further comprising facilitating the multi-casting of a message sent by said buyer to all candidate suppliers. Barzilai teaches, facilitating the multi-casting of a message sent by said buyer to all candidate suppliers (col. 19, lines 4-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to facilitate the multi-casting of a message sent by the buyer to all candidate suppliers and to modify in Carlton-Foss because such a modification would allow Carlton-Foss to have the ability to e-mail the bids for the products by the buyers to the sellers for a decision which seller is going to have the customer's business.

As per Claim 12, Carlton-Foss failed to teach, The method of claim 1, wherein determining an optimal award schedule comprises considering a performance attribute for a candidate supplier. Barzilai teaches, determining an optimal award schedule comprises considering a performance attribute for a candidate supplier (col. 19, lines 20-52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine an optimal award schedule comprising considering a performance attribute for a candidate supplier and to modify in Carlton-Foss because

such a modification would allow Carlton-Foss to have an optimal award maximum bid of a vacation package.

As per Claim 13, Carlton-Foss teaches, The method of claim 12, wherein considering a performance attribute comprises selecting an attribute from the group consisting of the supplier's reputation for prompt delivery, the supplier's reputation for quality, geographical location of the supplier, the supplier's reputation for support and maintenance, and a user-defined attribute (col. 20, lines 29-49).

As per Claim 14, Carlton-Foss teaches, The method of claim 12, wherein considering a performance attribute comprises considering a weight supplied by said buyer, said weight being indicative of an extent to which said performance attribute is to be considered in determining said optimal award schedule (col. 10, lines 66-67 and col. 11, lines 1-54).

As per Claim 15, Carlton-Foss teaches, The method of claim 14, wherein considering a performance attribute comprises determining a price penalty on the basis of said weight and incorporating said price penalty in a bid received from said candidate supplier (col. 11, lines 55-67 and col. 12, lines 1-7).

As per Claim 16, Carlton-Foss teaches, The method of claim 1, wherein determining an optimal award schedule comprises applying a private buyer-constraint (col. 12, lines 8-42).

As per Claim 17, Carlton-Foss teaches, The method of claim 16, wherein applying a private buyer-constraint comprises applying a business rule (col. 12, line 43-68 and col. 13, lines 1-4).

As per Claim 18, Carlton-Foss teaches, The method of claim 17, wherein applying a business rule comprises selecting a business rule from the group consisting of a business rule placing a limit on the number of selected suppliers, a business rule specifying properties of said selected suppliers, a business rule placing a limit on the number of items provided by a selected suppliers, a business rule placing a limit on the number of items provided by a cluster of selected suppliers, and a business rule placing a limit on an extent to which a selected supplier at least partially satisfies said requisition (col. 9, lines 11-43).

As per Claim 19, Carlton-Foss teaches, The method of claim 18, wherein placing a limit comprises selecting a limit from the group consisting of an upper bound and a lower bound (col. 11, lines 10-34).

As per Claim 20, Carlton-Foss teaches, The method of claim 18, wherein the extent to which a selected supplier satisfies said requisition is measured by a monetary value of said extent (col. 11, lines 35-54).

As per Claim 21, Carlton-Foss teaches, The method of claim 16, wherein applying a private buyer constraint comprises rejecting any bundled bid (col. 12, lines 43-60).

As per Claim 22, Carlton-Foss and Barzilai fail to teach, The method of claim 16, wherein applying a private buyer constraint comprises manually selecting a supplier for inclusion in said list of selected suppliers, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply a private buyer constraint comprising manually selecting a supplier for inclusion in the list of selected

suppliers because such a modification in Carlton-Foss would allow Carlton-Foss to have a list of suppliers that are handpicked for specific products. The manual selection of a supplier for inclusion in a listing of suppliers is well known to be performed by the buyer or purchasing person.

As per Claim 23, The method of claim 22, Carlton-Foss and Barzilai failed to teach, wherein applying a private buyer constraint further comprises manually specifying an extent to which said manually selected supplier is to at least partially satisfy said requisition, but it would have been obvious to have the manually specifying an extent to which a supplier is at least partially satisfy with the requisition because such a process can be performed either manually or electronically. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the process of specifying an extent to which the selected supplier is to at least partially satisfy the requisition to be performed manually and to modify in Carlton-Foss because such a modification would allow Carlton-Foss to have the ability to place the name of the supplier on paper using a pencil and applying a buyer constraint for the requisition (bid).

As per Claim 24, Carlton-Foss teaches, The method of claim 1, further comprising generating a code indicative of at least one reason for rejecting a losing bid (col. 6, lines 4-26).

As per Claim 25, Carlton-Foss teaches, The method of claim 24, wherein generating said code comprises incorporating into said code information indicative of whether said losing bid was rejected on the basis of a reason selected from a group

Art Unit: 3624

consisting of an excessive price and an inadequate performance attribute (col. 6, lines 54-67, col. 7, lines 1-17 and lines 23-31, and col. 8, lines 43-65).

As per Claim 26, Carlton-Foss teaches, The method of claim 1, further comprising selecting said requisition from the group consisting of a purchase of an item, a purchase of a group of items, a performance of a service, and a performance of a group of services (col. 11, lines 63-67 and col. 12, lines 1-7 and lines 18-21).

As per Claim 28, Carlton-Foss teaches, The computer-readable media of claim 27, wherein said instructions for receiving said public buyer-constraints from said buyer comprise instructions for receiving a list of items to be supplied (col. 5, lines 63-66).

As per Claim 29, Carlton-Foss teaches, The computer-readable media of claim 28, wherein said instructions for receiving said list of items comprise instructions for receiving a list in which at least one item in said list is a logical item that includes a list of items (col. 5, lines 63-66).

As per Claim 30, this dependent claim is rejected for the similar rationale as given above for claim 4.

As per Claim 31, this dependent claim is rejected for the similar rationale as given above for claim 5.

As per claim 32, this dependent claim is rejected for the similar rationale as given above for claim 6.

As per Claim 33, this dependent claim is rejected for the similar rationale as given above for claim 7.

Art Unit: 3624

As per Claim 34, this dependent claim is rejected for the similar rationale as given above for claim 8.

As per Claim 35, this dependent claim is rejected for the similar rationale as given above for claim 9.

As per Claim 36, this dependent claim is rejected for the similar rationale as given above for claim 10.

As per Claim 37, this dependent claim is rejected for the similar rationale as given above for claim 11.

As per Claim 38, this dependent claim is rejected for the similar rationale as given above for claim 12.

As per Claim 39, this dependent claim is rejected for the similar rationale as given above for claim 13.

As per Claim 40, this dependent claim is rejected for the similar rationale as given above for claim 14.

As per Claim 41, this dependent claim is rejected for the similar rationale as given above for claim 15.

As per Claim 42, this dependent claim is rejected for the similar rationale as given above for claim 16.

As per Claim 43, this dependent claim is rejected for the similar rationale as given above for claim 17.

As per Claim 44, this dependent claim is rejected for the similar rationale as given above for claim 18.

As per Claim 45, this dependent claim is rejected for the similar rationale as given above for claim 19.

As per Claim 46, this dependent claim is rejected for the similar rationale as given above for claim 20.

As per Claim 47, this dependent claim is rejected for the similar rationale as given above for claim 21.

As per Claim 48, this dependent claim is rejected for the similar rationale as given above for claim 22.

As per Claim 49, this dependent claim is rejected for the similar rationale as given above for claim 23.

As per Claim 50, this dependent claim is rejected for the similar rationale as given above for claim 24.

As per Claim 51, this dependent claim is rejected for the similar rationale as given above for claim 25.

As per Claim 52, this dependent claim is rejected for the similar rationale as given above for claim 26.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Friedland et al (US 6,449,601) disclosed a live auction over the Internet.

Rackson et al (US 6,415,270) disclosed a multi-auction service.

Feinberg (US 6,366,891) disclosed a modified on-line auction.

Art Unit: 3624

Godin et al (US 5,890,138) disclosed an auction system.


C. Bornhovd, M. Cilia, C. Liebig, and A. Buchmann disclosed auctions with multiple buyers competing for scarce resources in reverse auctions.

Inquiries

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


E. Colbert
June 24, 2004